



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/974,621	11/19/1997	TAKESHI NISHI	07977/202001	8449

20985 7590 12/17/2002

FISH & RICHARDSON, PC  
4350 LA JOLLA VILLAGE DRIVE  
SUITE 500  
SAN DIEGO, CA 92122

EXAMINER
----------

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
----------	--------------

2871

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
08/974,621

Applicant(s)  
Nishi

Examiner  
Dung Nguyen

Art Unit  
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 1, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-34 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12-17, and 19-34 is/are rejected.
- 7) ☒ Claim(s) 11 and 18 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 2871

***Response to Amendment***

Applicant's amendment dated 10/01/2002 has been received and entered.

***Specification***

1. The specification stand objected to as failing to provide proper antecedent basis for the claimed subject matter as stated in the last final office action.

In response to applicant's argument that the specification clearly describes and illustrates implementations of a light reflecting layer including a surface which is both porous and includes concavities and convexities (amendment, page 6), the Examiner respectfully disagrees with the applicant's viewpoint since the specification discloses that "the light reflecting films consisting of a porous layer" (emphasis added). In other words, the light reflecting layer cannot have both porous surface and concavities and convexities. Regarding to the drawings, as objected by Examiner, the porous surface of the light reflective film has not clearly shown, and an uneven surface in figures 1-3 is not considered as concavities and convexities, it can be formed as a result of the porous surface. Lastly, although the concavities and convexities in the surface of the light reflecting film is mentioned in the specification (page 16, lines 23-24), the specification does not show the combination of the porous surface and such concavities and convexities in the surface of the light reflecting film as claimed.

Art Unit: 2871

Since the specification does not clearly describe and illustrate of the light reflecting layer, one skilled in the art would not be able to merely find a light reflecting layer having both a porous surface and having convexities and concavities.

Accordingly, the objection to the specification stand.

***Claim Rejections - 35 USC § 103***

2. Claims 1-8, 12-17, 19-30 and newly added claims 31-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada et al., US Patent No. 5,805,252 , in view of Yoshihiro, US Patent No. 5,550,658 , as stated in the last final office action.

Regarding claim 1, Applicant contends that the porous surface is clearly supported in the specification (amendment, page 7), the term “porous” is clearly definite (amendment, page 8) and the office action’s interpretation of the word “porous” to mean “unevenly” is improper (amendment, page 9). The Examiner, again, respectfully disagrees with the applicant’s viewpoint. As noted above, the specification does not clearly describe and illustrate of a light reflecting layer including a surface which is both porous and includes concavities and convexities. In addition, as stated in the office action dated 09/29/2000, the feature of “the porous surface of the light reflective film” is understood as the surface having or full of pores (Merriam-Webster’s Collegiate Dictionary), thus the broadest reasonable interpretation the term “the porous surface” is an unevenly surface as shown in figures 1-3 as well as in the prior art (figure 5). The Examiner agrees with Applicants that the term “porous” is well-known term; however, the definition of

Art Unit: 2871

“porous” surface has not clearly shown in the specification and the drawings. Therefore, the broadest reasonable interpretation the term “porous” can be an “unevenly”. As a result, Shimada et al. (‘252) do not teach away a light reflective film having a porous surface.

Regarding dependent claims 2-7, 12, 13, 15-17, 20-22, 24-26 and 28-34, the rejection of those dependent claims stand since the rejection of claims 1, 8, 14, 19, 23, 27 and 31 stand as discussed above.

Therefore, the limitation of claims 1-8, 12-17 19-26 and 27-34 met.

#### ***Allowable Subject Matter***

3. Claims 11 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

4. Applicant's arguments filed 02/22/2002 have been fully considered but they are not persuasive as stated above.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 2871

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The fax phone number for this Group is (703) 308-7726.

Any information of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

**DN**  
12/16/2002

  
**ROBERT H. KIM**  
**SUPERVISOR & EXAMINER**  
**TECHNOLOGY CENTER ECCO**